

Serial Number 09/719,277

Group Art No.: 1648

REMARKS

Claims 38-58 were pending in the application. Minor amendments have been made to claims 52 and 58. Accordingly, claims 38-58 are currently pending in the application. No new matter has been added.

Applicants' attorneys Megan Williams and Elizabeth Hanley thank Examiners Brown and Housel for the courtesy of the telephonic interview that took place on May 25, 2004.

Applicants reiterate the substance of their remarks with respect to the restriction of the claims, the rejection made under 35 U.S.C. §103, and the rejection made under 35 U.S.C. §112, from their response filed on January 5, 2004 here. Applicants respectfully request reconsideration of the response and withdrawal of the outstanding rejections.

Restriction Requirement

In addition the remarks previously made regarding the restriction of the claims, Applicants point out that the pending claims are directed to methods. The claims pertain to diagnostic methods in which a polypeptide (an immunogenic amino acid sequence of an HCV alternate reading frame polypeptide or comprising an amino acid sequence of an HCV alternate reading frame polypeptide that is immunoreactive with an antibody that specifically binds to an HCV alternate reading frame polypeptide) or an antibody that specifically binds to an HCV alternate reading frame polypeptide is detected. These polypeptides and antibodies are both disclosed in the specification as possessing at least one property in common which is reasonable for their function in the claimed relationship, i.e., they are both molecules indicative of an infection with Hepatitis C virus. Applicants further submit that it is clear from the specification and their very nature that they possess this property.

With respect to the previous Examiner's request for an indication of which claims read on which of the groups in the Restriction Requirement made in the application, Applicants note that:

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claims 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 57, and 58 read on groups VIII and VI;
claims 50 and 51 read on group VI; claim 52 reads on groups VI, VII, VIII, and IX; claims 53
and 55 read on group VIII, and claims 54 and 56 read on group VI.


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CONCLUSION

If a telephone conversation with applicant's agent would expedite the prosecution of the above-identified application, the examiner is urged to call applicant's agent at (617) 227-7400.

Respectfully submitted,


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